

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1412

(Reference to printed bill)

1 Page 1, line 11, strike “, SUBJECT TO A CONTINUOUS CHAIN OF CUSTODY,”

2 Between lines 23 and 24, insert:

3 “D. THIS SECTION DOES NOT PRECLUDE A GOVERNMENTAL ENTITY FROM
4 DISPOSING OF EVIDENCE IN A CASE IN WHICH A CONVICTION HAS BEEN OBTAINED AFTER
5 THE EXPIRATION OF THE DEFENDANT'S SENTENCE. UNDER ANY OTHER CIRCUMSTANCE,
6 THE GOVERNMENTAL ENTITY MAY DISPOSE OF BULK PHYSICAL EVIDENCE AFTER THE
7 CONCLUSION OF THE CONVICTED DEFENDANT'S DIRECT APPEAL AND FIRST
8 POSTCONVICTION RELIEF PROCEEDING WITH THE AGREEMENT OF THE COUNTY ATTORNEY
9 AND THE ATTORNEY GENERAL AND THEN, UPON WRITTEN NOTICE TO THE DEFENDANT, ANY
10 COUNSEL OF RECORD AND THE VICTIM IF NO OTHER LAW REQUIRES THAT BIOLOGICAL
11 EVIDENCE BE PRESERVED OR RETAINED.”

12 Reletter to conform

13 Lines 27 and 28, strike “AND HAS BEEN SUBJECT TO A CONTINUOUS CHAIN OF CUSTODY”

14 Line 33, after “HOMICIDE” insert “OR FELONY SEXUAL ASSAULT”

15 Amend title to conform

CHUCK GRAY

2/22/08
10:36 AM
S: JR/jas